

AMENDED IN SENATE SEPTEMBER 15, 2008

AMENDED IN SENATE AUGUST 21, 2008

AMENDED IN SENATE JULY 1, 2008

AMENDED IN SENATE JUNE 18, 2008

AMENDED IN ASSEMBLY MAY 23, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2026

Introduced by Assembly Member Emmerson Villines
(Principal coauthor: Senator Cedillo)
(Coauthors: Assembly Members Cook and Price)

February 15, 2008

~~An act to amend Section 5443.5 of the Business and Professions Code, relating to outdoor advertising. An act to add Sections 5003.16 and 5080.41 to the Public Resources Code, and to amend Section 9 of Chapter 731 of the Statutes of 1998, relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2026, as amended, ~~Emmerson Villines. Outdoor advertising. State property.~~

(1) Existing law requires the Department of Parks and Recreation to control the units of the state park system.

This bill would authorize the Director of the Department of Parks and Recreation, with the approval of the Director of General Services, to exchange with or sell to the City of Sacramento for fair market value

all or part of specified properties located in Old Sacramento State Historic Park that is part of the Old Sacramento Historic District in the City of Sacramento. The bill would specify conditions under which this property may be exchanged or sold, and how the proceeds from any transfer may be used.

(2) Existing law establishes the State Park Contingent Fund and requires that money derived from gifts, bequests, or county or municipal appropriations or donations be deposited in the fund and used for specified purposes relating to the state park system.

This bill would require any net proceeds from a transfer to be deposited into the State Park Contingent Fund to be used for development or construction within Old Sacramento State Historic Park.

(3) Existing law authorizes the Department of Parks and Recreation to enter into an agreement with an agency of the United States, a city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control of lands of the state park system.

This bill would authorize the department, until January 1, 2014, to enter into an operating agreement with a nonprofit organization for the development, improvement, restoration, care, maintenance, administration, and control of a children's museum in Old Sacramento State Historic Park in the City of Sacramento.

The bill would require the department to notify each Member of the Legislature in whose district Old Sacramento State Historic Park is located if it intends to enter into an operating agreement under the bill. The bill does not authorize the demolition of any state building.

(4) Existing law authorizes the Director of General Services, with the approval of the Military Department and the State Public Works Board, to convey to the Roman Catholic Bishop, Sacramento, specified real property known as the 58th Street Armory, for consideration, as provided, under the terms and conditions that the Director of General Services determines to be in the best interest of the state.

This bill would authorize the Director of General Services, with the approval of the Military Department and the State Public Works Board, to grant to the Roman Catholic Bishop, Sacramento, an option to purchase or a lease with option to purchase, or exchange for real property, the specified real property. The bill would require the option to be exercised within 90 days from completion of a replacement facility, as provided, and the net proceeds of moneys received from the

disposition of the property to be deposited in the Armory Fund for appropriation by the Legislature, subject to Section 9 of Article III of the California Constitution that requires that the net proceeds from the sale of surplus state property be deposited into the Deficit Recovery Bond Retirement Sinking Fund Subaccount.

(5) Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature.

This bill would authorize the director to sell, exchange, or lease for fair market value upon those terms and conditions determined by the director, 9 specified parcels of state property. It would provide that the net proceeds of 8 of the conveyances would be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, which is a continuously appropriated subaccount in the Budget Stabilization Account, thereby making an appropriation. The net proceeds from one parcel would be subject to the reimbursement of federal equity financing. The bill would require reimbursement to the Department of General Services for any cost or expense incurred in the disposition of a property under these provisions from the proceeds of the disposition. The surplus authorization for 7 specified parcels would be rescinded.

(6) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for publicly owned treatment works and other dischargers in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would authorize the Director of General Services to sell, lease, convey, or exchange at fair market value specified real property at the Salinas Valley State Prison containing the prison's wastewater treatment facility to the City of Soledad upon those terms and conditions and subject to those reservations and exceptions as the Director of General Services determines are in the best interests of the state. The bill would require the net proceeds of any moneys received from the disposition of the property to be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, a continuously appropriated fund. By increasing the amount transferred into a continuously appropriated fund, this bill would make an appropriation.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

~~The Outdoor Advertising Act regulates the placement of advertising displays along highways. Existing law provides that nothing in these~~

~~regulations prohibits the Department of Transportation from allowing the relocation of any legally permitted display situated on property being acquired for a public use to another location, subject to various approvals, provided that the relocation does not cause a reduction in federal highway funds to the state or result in an increase in the number of advertising displays within the jurisdiction of a governmental entity that do not conform to the regulations.~~

~~This bill would delete the provision that states that the relocation shall not result in an increase in the number of nonconforming advertising displays within the jurisdiction of a governmental entity, thereby allowing a relocation as long as the total number of nonconforming displays is not increased on a statewide basis.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature hereby finds and declares both*
- 2 *of the following:*
- 3 *(a) Old Sacramento State Historic Park in the City of*
- 4 *Sacramento is uniquely situated for the development of a*
- 5 *Sacramento regional children's museum in that the site is all of*
- 6 *the following:*
- 7 *(1) Located in the center of the Sacramento region.*
- 8 *(2) Located in the heart of the region's downtown and business*
- 9 *core.*
- 10 *(3) A destination state park and national historic district for*
- 11 *tourists from throughout the world.*
- 12 *(4) The location of the California State Railroad Museum, which*
- 13 *itself is a major regional destination for families and tourists alike.*
- 14 *(b) The state does not provide children's museums as a part of*
- 15 *its core mission and therefore the use of a site within Old*
- 16 *Sacramento State Historic Park by a nonprofit organization does*
- 17 *not supplant an existing core state mission.*
- 18 *SEC. 2. Section 5003.16 is added to the Public Resources Code,*
- 19 *to read:*
- 20 *5003.16. (a) Subject to subdivisions (b) to (f), inclusive, and*
- 21 *notwithstanding the provisions of Division 3 (commencing with*
- 22 *Section 11000) of Title 2 of the Government Code that relate to*
- 23 *the disposition of state-owned real property, with the approval of*

1 *the Director of General Services, the director may exchange with*
2 *or sell to the City of Sacramento for fair market value all or part*
3 *of the following described property located in Old Sacramento*
4 *State Historic Park that is part of the Old Sacramento Historic*
5 *District in the City of Sacramento:*

6 *(1) PARCEL 1: APN 009-0012-048 (Docks).*

7 *(2) PARCEL 2: APN 009-0012-058 (Docks).*

8 *(3) PARCEL 3: APN 009-0012-059 (Docks).*

9 *(4) PARCEL 4: APN 002-0010-023 (Railyards Riverfront).*

10 *(b) For the purpose of complying with the fair market value*
11 *requirement of subdivision (a), the City of Sacramento shall be*
12 *credited for any financial participation it contributes either toward*
13 *a purchase by the state of a real property interest that benefits Old*
14 *Sacramento State Historic Park, or in a development project by*
15 *the state that benefits Old Sacramento State Historic Park, or both.*
16 *For the purpose of this subdivision, any purchase by the state shall*
17 *be made at fair market value, and any development by the state*
18 *shall be valued at fair market value.*

19 *(c) The transfer authorized in subdivision (a) shall require that*
20 *the fair market value include consideration for any toxic*
21 *remediation that needs to be performed on the parcels.*

22 *(d) Proceeds from the transfer authorized in subdivision (a)*
23 *shall be used to finance the department's costs for negotiating the*
24 *transfer and transferring the property.*

25 *(e) Any net proceeds from the transfer authorized in subdivision*
26 *(a) shall be deposited into the State Park Contingent Fund to be*
27 *used for development or construction within Old Sacramento State*
28 *Historic Park.*

29 *(f) Before authorizing an exchange, sale, or transfer, the director*
30 *shall secure an independent market valuation of the property*
31 *authorized for transfer.*

32 *SEC. 3. Section 5080.41 is added to the Public Resources Code,*
33 *to read:*

34 *5080.41. (a) Notwithstanding any other provision of this*
35 *article, until January 1, 2014, the department may enter into an*
36 *operating agreement with a qualified nonprofit organization for*
37 *the development, improvement, restoration, care, maintenance,*
38 *administration, and control of a children's museum in Old*
39 *Sacramento State Historic Park in the City of Sacramento. The*
40 *agreement shall include, but is not limited to, the following:*

1 (1) *The district superintendent for the department shall provide*
2 *liaison with the department, the nonprofit organization, and the*
3 *public.*

4 (2) *The operating agreement shall specify the manner in which*
5 *the children's museum is proposed to be operated.*

6 (3) *All revenues received from the operation of the children's*
7 *museum shall be expended only for the care, maintenance,*
8 *operation, administration, improvement, or development of the*
9 *museum.*

10 (4) *In constructing the children's museum, the nonprofit*
11 *organization shall incorporate historical architectural features*
12 *consistent with buildings existing in Sacramento in the mid-1800s.*

13 (b) *Whenever the department intends to enter into an operating*
14 *agreement with respect to a children's museum in Old Sacramento*
15 *State Historic Park in the City of Sacramento, the department shall*
16 *notify each Member of the Legislature in whose district the unit*
17 *is located of that intention.*

18 (c) *This section does not authorize the demolition of any state*
19 *building.*

20 SEC. 4. *Section 9 of Chapter 731 of the Statutes of 1998 is*
21 *amended to read:*

22 Sec. 9. (a) ~~The Director of General Services, with the approval~~
23 ~~of the Department of the Military and the State Public Works Board~~
24 ~~Military Department and the State Public Works Board may~~
25 ~~convey grant to the Roman Catholic Bishop, Sacramento, a~~
26 ~~corporation sole/St. Francis High School, an option to purchase,~~
27 ~~or a lease with option to purchase, or exchange for real property,~~
28 ~~the real property located at 1013 58th Street in the City of~~
29 ~~Sacramento, known as the 58th Street Armory, comprising~~
30 ~~approximately six acres. Consideration for exchange of the real~~
31 ~~property shall be~~ *The option shall be exercised within 90 days from*
32 *completion of a replacement facility of size and quality specified*
33 *by the Department of the Military Department. The replacement*
34 *facility shall be constructed to National Guard bureau criteria on*
35 *other state or federal lands available to the Department of the*
36 *Military and cash as necessary to equalize the transaction and*
37 *reimburse the Department of General Services for its costs. In the*
38 *event that the costs of design, appraisals, state administrative costs,*
39 *and construction exceed the value of the 58th Street Armory, the*
40 *Roman Catholic Bishop, Sacramento a corporation sole/St. Francis*

High School, shall be obligated to pay the costs, and the state shall have no obligation and shall not pay for any costs associated with the replacement facility. The exchange agreement Military Department that have been certified by the state for occupancy. The option to purchase, or lease with option to purchase, or exchange for real property agreement shall be under terms and conditions that the Director of General Services determines to be in the best interest of the state. The exchange agreement shall not be effective until the improvements are certified by the state for occupancy, which shall not exceed three years from the date of the exchange agreement; however, this period may be extended in the event of damage, destruction, or acts of God. based on the fair market value of the property.

(b) Subject to Section 9 of Article III of the California Constitution, the net proceeds of moneys received from the disposition of a property described in subdivision (a) that is an armory under the jurisdiction of the Military Department shall be deposited in the Armory Fund established pursuant to Section 435 of the Military and Veterans Code and shall be available for appropriation in accordance with that section.

SEC. 5. The Director of General Services may sell, exchange, sell combined with an exchange, or lease for fair market value and upon those terms and conditions as the Director of General Services determines are in the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately .092 acres, located at 806 North Beaudry Avenue, Los Angeles, Los Angeles County.

Parcel 2. Approximately 5.52 acres with improvements thereon, known as the Fernwood Seed Orchard, located in Humboldt County.

Parcel 3. Approximately 2 acres with improvements thereon, known as the Manton Forest Fire Station, located on Ponderosa Way, Manton, Tehama County.

Parcel 4. Approximately .92 acres with improvements thereon, known as the Hesperia Forest Fire Station, located at 16661 Yucca Street, Hesperia, San Bernardino County.

Parcel 5. Approximately 2 acres with improvements thereon, known as the Valley Center Forest Fire Station, located at 28741 Cole Grade Road, Valley Center, San Diego County.

1 *Parcel 6. Approximately .33 acres with improvements thereon,*
2 *known as the San Marcos Forest Fire Station (Old), located at*
3 *236 Pico Avenue, San Marcos, San Diego County.*

4 *Parcel 7. Approximately 3-acre portion of the 5-acre parcel*
5 *known as the San Marcos Forest Fire Station (New), located at*
6 *Monticello Drive, Escondido, San Diego County.*

7 *Parcel 8. Approximately .39 acres located midblock on the north*
8 *side of Golden Gate Avenue, between Gough and Franklin Streets,*
9 *City of San Francisco, County of San Francisco.*

10 *Parcel 9. Approximately 1.74 acres with improvements thereon,*
11 *known as the EDD Indio Office, located at 47110 Calhoun*
12 *Boulevard, Indio, Riverside County.*

13 *SEC. 6. (a) A Notice of every public auction or bid opening*
14 *shall be posted on a property to be sold under Section 5 of this act*
15 *and shall be published in a newspaper of general circulation*
16 *published in the county in which the real property to be sold is*
17 *situated.*

18 *(b) (1) An “as-is” sale, exchange, sale, sale combined with an*
19 *exchange, or transfer of a parcel described in Section 5 of this act*
20 *is exempt from Chapter 3 (commencing with Section 21100) to*
21 *Chapter 6 (commencing with Section 21165), inclusive, of Division*
22 *13 of the Public Resources Code. However, the buyer or transferee*
23 *of a parcel shall be subject to any local governmental entitlement*
24 *or land use approval requirements, and that buyer or transferee*
25 *shall be subject to the requirements of Chapter 3 (commencing*
26 *with Section 21100) to Chapter 6 (commencing with Section*
27 *21165), inclusive, of Division 13 of the Public Resources Code.*

28 *(2) If a sale, exchange, sale combined with an exchange, or*
29 *transfer is not an “as-is” sale and close of escrow is contingent*
30 *on satisfying a local governmental approval for entitlement or*
31 *land use requirements, including compliance by the local*
32 *government with Chapter 3 (commencing with Section 21100) to*
33 *Chapter 6 (commencing with Section 21165), inclusive, of Division*
34 *13 of the Public Resources Code, then the execution of the purchase*
35 *and sale agreement or exchange agreement is exempt from Chapter*
36 *3 (commencing with Section 21100) to Chapter 6 (commencing*
37 *with Section 21165), inclusive, of Division 13 of the Public*
38 *Resources Code.*

39 *SEC. 7. The Department of General Services shall be*
40 *reimbursed for any cost or expense incurred in the disposition of*

1 a parcel under Section 5 of this act from the proceeds of the
2 disposition of that or any other surplus parcel.

3 SEC. 8. For any property sold pursuant to Section 5 of this act
4 consisting of 15 acres or less, the Director of General Services
5 shall except and reserve to the state all mineral deposits, as defined
6 in Section 6407 of the Public Resources Code, below a depth of
7 500 feet, without surface rights of entry. As to property sold
8 pursuant to Section 5 of this act consisting of more than 15 acres,
9 the Director of General Services shall except and reserve to the
10 state all mineral deposits, as defined in Section 6407 of the Public
11 Resources Code, together with the right to prospect for, mine, and
12 remove the deposits. The rights to prospect for, mine, and remove
13 the deposits shall be limited to those areas of the property conveyed
14 that the director, after consultation with the State Lands
15 Commission, determines to be reasonably necessary for the
16 removal of the deposits.

17 SEC. 9. The net proceeds of any moneys received from the
18 disposition of Parcels 1 to 8, inclusive, described in Section 5 of
19 this act shall be allocated consistent with Section 9 of Article III
20 of the California Constitution. Proceeds received from the
21 disposition of Parcel 9 described in Section 5 of this act, known
22 as the EDD Indio Office, shall be subject to the reimbursement of
23 federal equity financing.

24 SEC. 10. Notwithstanding any other provision of law that
25 declared the following property as surplus, the surplus
26 authorization is hereby rescinded for the following real property:

27 Parcel 1. Approximately 1.31 acres with improvements thereon,
28 known as the Call Mountain Forest Fire Station, located at 20400
29 Panoche Road, Paicines, San Benito County.

30 Parcel 2. Approximately 345 acres known as the Porterville
31 Developmental Center, located at 26501 Avenue 140, Porterville,
32 Tulare County.

33 Parcel 3. Approximately .59 acres with improvements thereon,
34 known as the DFG Shasta Headquarters, located at 601 Locust
35 Street, Redding, Shasta County.

36 Parcel 4. Approximately .11 acres known as the State Burial
37 Grounds, located at Broadway and Riverside Boulevard,
38 Sacramento City Cemetery, Sacramento County.

1 *Parcel 5. Approximately 77 acres with improvements thereon,*
2 *known as Patton State Hospital, located at 3102 E. Highland*
3 *Avenue, Patton, San Bernardino County.*

4 *Parcel 6. Approximately 1.3 acres with improvements thereon,*
5 *known as the Redding DMV Office, located at 615 Locust Street,*
6 *Redding, Shasta County.*

7 *Parcel 7. Approximately 3.04 acres with improvements thereon,*
8 *known as the Concord Armory, located at 2929 Willow Pass Road,*
9 *Concord, Contra Costa County.*

10 *SEC. 11. The Legislature finds and declares the following:*

11 *(a) Due to documented hydrogeologic conditions, the City of*
12 *Soledad's existing wastewater treatment facilities, as designed*
13 *and constructed, are inadequate to continue to treat and dispose*
14 *of, in accordance with regional water quality control board*
15 *requirements, the volume of wastewater now being generated by*
16 *the Salinas Valley State Prison and the City of Soledad.*

17 *(b) The expansion of the prison and growth within the city have*
18 *caused pending wastewater overflow that will have disastrous*
19 *effects on the prison and the city.*

20 *SEC. 12. It is the intent of the Legislature to authorize the sale*
21 *or transfer, as specified in Section 13 of this act, of the wastewater*
22 *treatment facilities located in the Salinas Valley State Prison to*
23 *the City of Soledad.*

24 *SEC. 13. (a) Notwithstanding any other provision of law, the*
25 *Director of General Services may sell, lease, convey, or exchange*
26 *at fair market value to the City of Soledad, upon those terms and*
27 *conditions and subject to those reservations and exceptions as the*
28 *Director of General Services determines are in the best interests*
29 *of the state, all or any part of the following real property:*

30 *Approximately 33.5 acres of the facility known as the California*
31 *Department of Corrections and Rehabilitation Correctional*
32 *Training Facility, Soledad, Monterey County, Assessor Parcel*
33 *Numbers 257-041-020 and 257-041-021.*

34 *(b) The net proceeds of any moneys received from the disposition*
35 *of the property described in subdivision (a) shall be paid into the*
36 *Deficit Recovery Bond Retirement Sinking Fund Subaccount, as*
37 *established by subdivision (f) of Section 20 of Article XVI of the*
38 *California Constitution.*

39 *SEC. 14. This act is an urgency statute necessary for the*
40 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*
2 *immediate effect. The facts constituting the necessity are:*

3 *In order to expedite the sale of state property as a means of*
4 *addressing the state's urgent financial needs, it is necessary for*
5 *this act to take effect immediately.*

6 ~~SECTION 1. Section 5443.5 of the Business and Professions~~
7 ~~Code is amended to read:~~

8 ~~5443.5. Nothing in this article prohibits the Department of~~
9 ~~Transportation from allowing any legally permitted display situated~~
10 ~~on property being acquired for a public use to be relocated, subject~~
11 ~~to the approval of the public agency acquiring the property and~~
12 ~~the approval of the jurisdiction in which the display will be~~
13 ~~relocated, so long as the action of the department in allowing the~~
14 ~~relocation of the display would not cause a reduction in federal-aid~~
15 ~~highway funds, as provided in Section 131 of Title 23 of the United~~
16 ~~States Code, or an increase in the number of displays which do~~
17 ~~not conform to this article.~~